

SCANNED

DATE: 10-25-04

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
Clerk's Office  
USDC, Mass.  
Date 10/25/04  
By Deputy Clerk

UNITED STATES OF AMERICA

v.

Criminal No. 03-CR-10356-MLW

FRANCIS WHITE

**SUPPLEMENTAL AFFIDAVIT OF PATRICIA A. DEJUNEAS  
REGARDING PURPORTED TARGETS VINCENT ROBERTO  
AND MICHAEL DEZOTELL**

I, Patricia A. DeJuneas, on oath depose and state as follows:

1. As explained in my earlier affidavit, I, along with Richard M. Egbert, represent Defendant Francis White in connection with the case pending in this Court. Mr. Egbert and I also previously represented Defendant Frederick Simone in a state court case involving the same wiretaps at issue before this Court.
2. In my earlier affidavit, I alleged, in sum, that, upon information and belief, federal authorities, assisted by the Massachusetts State Police, arrested Vincent Roberto in the State of Florida during the summer of 2000; that law enforcement authorities sought to seize much of Roberto's property; that government agents threatened to press charges against Roberto's wife and daughter; and that the Florida prosecution was resolved to Roberto's favor in that he paid a \$30,000 fine, the government abandoned its forfeiture requests and the government did not prosecute his family members. I repeat and incorporate those allegations here.
3. After reviewing discovery provided by the prosecution in this case, I add the following allegations, all of which substantially corroborate my earlier affidavit as well as the affidavit of Pamela Harris-Daley (attached hereto as Exh. 1):
  - (a) In his affidavit dated January 28, 2000, Trooper Russolillo alleged under oath that Roberto was in Florida during January of 2000, and that Russolillo had probable cause to believe that Roberto was involved in the Zampanti gaming organization. Specifically, Trooper Russolillo alleged that Roberto generated profits for the Zampanti gaming organization through bettors and agents. See Exh. 2 at ¶¶ 27, 28, and 29.

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- (b) In his affidavit dated February 11, 2000, Trooper Russolillo again alleges that Roberto was spending time in Florida. He further alleges that Roberto owned a 50% interest in the Zampanti gaming organization, and that during that time period, fellow targets Joseph Zampanti, Jr. and Ronald Zampanti had been charged with unspecified gaming offenses in state court; he does not allege, however, that Roberto had been charged. *See* Exh. 3 at ¶¶ 12A, 13, 14.
- (c) In the February 11, 2000 affidavit, Trooper Russolillo alleged that “Roberto remains in Florida while conducting his bookmaking activities with the Zampanti gaming organization” and that Roberto received telephone calls related to gaming activity at an address in Pompano Beach, Florida. *See* Exh. 3 at ¶¶ 14, 19.
- (d) In his affidavit dated February 28, 2000, Trooper Russolillo alleged that the Organized Criminal Activity Section of the Broward County Sheriff’s Office had become involved in investigating Roberto’s gaming activities, and that the Sheriff’s office obtained court-authorized pen-register and trap and trace devices on Roberto’s Florida telephone. *See* Exh. 4.
- (e) In his affidavit dated September 1, 2000 (¶ 27), Trooper Russolillo alleged that on March 24, 2000, the Broward County Sheriff’s Office executed a search warrant at Roberto’s Florida home, and that the search revealed evidence of illegal gaming activity. Russolillo also alleges that Roberto’s business was searched that same day. Importantly, however, Russolillo does not allege -- nor, upon information and belief, could he -- that Roberto was ever criminally charged in connection with that search. In fact, Roberto has not been charged with an offense since 1992. *See* Exh. 5.
- (f) In his affidavit dated September 19, 2000 (at p. 33), Trooper Russolillo alleged the following, which corroborates Ms. Harris-Daley’s allegation that Michael Dezotell was in fact an informant:

We note according to the records of the Attorney General’s office, Michael Dezotell was named in a wiretap investigation conducted by the Massachusetts State Police, Special Services Section, from October to December, 1993. The Orders and Warrants for this investigation were issued by Superior Court Justice Thomas E. Connolly on October 25, 1993, November 8, 1993 and December 3, 1993... *As set forth in a letter to Justice Margot Botsford, dated September 19, 2000, from these applicants and incorporated herein for reference, Michael Dezotell was not charged as a result of this investigation.* (emphasis added).

- (g) The referenced letter to Judge Botsford has never been produced to the Defendants, in either the state case against Mr. Simone or in this case.<sup>1</sup>

SWORN TO UNDER THE PAINS AND PENALTIES OF PERJURY THIS  
22nd DAY OF OCTOBER, 2004.

/s/ Patricia A. DeJuneas  
Patricia A. DeJuneas

**CERTIFICATE OF SERVICE**

I, Patricia A. DeJuneas, hereby certify that I have caused a copy of the foregoing document to be served on Assistant United States Attorney Ernest DiNisco by first class mail, this 22nd day of October, 2004.

/s/ Patricia A. DeJuneas  
Patricia A. DeJuneas

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<sup>1</sup> Defendants have made a specific request to federal prosecutors for this document, but as of today, prosecutors have not decided whether to voluntarily disclose the letter.

AFFIDAVIT OF PAMELA HARRIS-DALEY

I, Pamela Harris-Daley, depose and say as follows;

- 1.) I have been in a relationship with Frederick Simone for approximately four (4) years and have known him for approximately eight (8) years.
- 2.) I have been a member in good standing of the Massachusetts bar since 1995.
- 3.) In or around September of 2000, I visited Mimi Roberto at her real estate office in Brighton. She had referred me to a doctor who ultimately treated me surgically for a mass on my ovary at the Beth Israel Hospital in October-November of 2000. During this conversation she began to complain about her husband and how unsupportive he had been and continued to be regarding her illness and how lucky I was to have Freddy. She went on to say that she believed her husband Vinny Roberto was a "rat" in "every sense of the word" and that she "knew this for sure now."
- 4.) Mimi Roberto went on in this and other conversations we had during this same time period to tell me that her husband, Vinny Roberto, had been "arrested in Florida for book making: and that he (Vinny) was also the "target of an investigation in Essex County." She went on to tell me that Vinny was concerned that he would "lose his property in Florida," that [Mimi and her] daughter would also become targets."
- 5.) Mimi also told me during this time period that Vinny was concerned about the "IRS" coming after him once the FBI and the State Police were through with him.

- 6.) Mimi Roberto told me further that she believed her husband was a "rat" because inside their Florida home, he (Vinny) had "introduced several me [she believed to be police officers and/or federal agents] as 'FBI' and as 'his friends.'" She indicated that following this visit Vinny Roberto told her "[not to] worry about losing the Florida property" or about either "[her or her daughter] getting arrested."
- 7.) During this same time, Vinny Roberto, on a regular basis, invited myself and Frederick Simone to eat at his restaurant in Framingham. He invited myself, my father, my son and Frederick Simone to several house parties at his home in Framingham, including but not limited to one for the 4<sup>th</sup> of July and one preceding his son's wedding in the early fall I believe. Moreover, during this time, Vinny Roberto on a regular basis brought food over to Frederick Simone's home for Mr. Simone, Mr. Simone's children, my son and myself. Mr. Roberto usually did this without notice to us and without a request from us. Very often, Mr. Roberto stayed and ate with us.
- 8.) During this same time, Mr. Roberto invited myself, my son and Mr. Simone to go to Florida to stay with him and his wife, Mimi, during Thanksgiving.
- 9.) In or around the summer of 2000, Michael Dezotell invited me and Frederick Simone to visit him at his home in Cape Cod, Massachusetts. During that visit, we went to dinner with Michael Dezotell. At dinner, Michael Dezotell had been drinking. The owner of the restaurant told

Michael Dezotell that he did not think Dezotell should drive home that evening and that he should let Mr. Simone drive. Dezotell responded by saying very loudly and quite openly, "What do I care? I'm with the FBI."

- 10.) Mr. Dezotell went on to say in the car that evening that he had the "gold card" and that he never had to worry about not being able to "make money."
- 11.) I took this to mean, particularly following on the heels of the "FBI" comment earlier this same evening, that this meant that because he was a "rat" and an "informant" for the government, he could keep being a bookmaker and never get convicted as long as he cooperated with the government.
- 12.) Prior to Christmas of 2000, I was contacted by Michael Dezotell who told me that he wanted to help me if I needed bail money for Freddy.
- 13.) I indicated that I was all set with that but that maybe he could right (sic) a letter of support.
- 14.) I joked and said, "since you are with the FBI, it might carry a lot of weight."
- 15.) Mr. Dezotell's response was that because he was "with the FBI" [that is why he couldn't do that]. Mr. Dezotell went on to tell me that he was with "Sonny" and I told him I had no idea who that was or what that meant and all I wanted was a letter of support. He started to get nervous and told me "[I didn't] understand." With that I ended the conversation.

16.) These are not all the facts known to me regarding the above but instead  
this affidavit was prepared for the purposes of the herein attached motion.

SWORN TO UNDER THE PAINS AND PENALTIES OF PERJURY THIS 11<sup>TH</sup>  
DAY OF SEPTEMBER, 2004.

/s/ Pamela Harris-Daley

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26.) I also note that during the monitoring of conversations between Ronald Zampanti and Joseph Zampanti Jr., and Vincent Roberto, (who I will explain later in the affidavit) there has been numerous references to Carmine Damelio in the context that they identify him by the nicknames of "Junior" and "Snoopa."

### VINCENT V. ROBERTO

27.) Based on my training and experience, the information set forth herein and in my prior affidavit dated January 13<sup>th</sup>, 2000, it is my opinion that Vincent Roberto of 892 Old Connecticut Path, Framingham, Massachusetts has been, and will continue to be intercepted over the **"Zampanti II Telephone"** engaged in conversations relating to the provisions of gaming services in violation of Massachusetts General Law Chapter 271, Section 17. In addition, the information set forth herein, in my opinion, establishes probable cause to believe that Vincent Roberto is currently in Florida and utilizes a telephone in conversations with Ronald Zampanti over the **"Zampanti II Telephone"** in furtherance of providing gaming services in violation of Massachusetts General Law Chapter 271, Section 17.

28.) In my prior affidavit dated January 13<sup>th</sup>, 2000, I provided information about a past gaming investigation of Roberto which utilized court authorized electronic surveillance. Lieutenant Tutungian was the case officer of a wiretap investigation of Roberto and he is thoroughly familiar with his voice. After a review of conversations between Ronald Zampanti and a person by the name of "Vinny", Lieutenant Tutungian has definitively identified this



person to be Vincent Roberto.

29.) I have reviewed several conversations over the **"Zampanti II Telephone"** involving Ronald Zampanti and Vincent Roberto. Based upon these conversations, it is my opinion that Vincent Roberto generates a portion of the profits acquired by bets registered with "agents" and/or bettors of the Zampanti organization. I further believe that these conversations indicate that Roberto is a partner with Joseph Zampanti Jr., Carmine Damelio, and Ronald Zampanti in relation to a significant number of "agents" and/or bettors. Examples of some of these conversations are set forth below.

A.) On January 15<sup>th</sup>, 2000, at approximately 12:51 P.M., Ronald Zampanti made an outgoing call on the **"Zampanti II Telephone"** to Vincent Roberto. During this conversation, Ronald Zampanti and Vincent Roberto discussed the line on the Jacksonville football game and other sporting events. They further discussed "JB" and the bets registered by him. As I stated above, it is my opinion that "JB" is a reference to John Burroughs. A copy of this transcript will be attached hereto and incorporated herein as **Exhibit 11**.

B.) On January 15<sup>th</sup>, 2000, at approximately 12:04 P.M. Ronald Zampanti received an incoming call on the **"Zampanti II Telephone"** from Vincent Roberto. During this conversation, Ronald Zampanti and Vincent Roberto discussed how they were doing for the week in reference to their gaming business. They further discussed that two guys were not going to receive a ten percent commission. Based upon my training and experience I have learned that the upper echelon of bookmaking organizations pay their "agents" a commission which is a percentage based upon the bets generated by said "agents." In addition, they also reviewed

monies won or lost by various agents and bettors. There was also a discussion about "Al" relative to changes in the "line." As I stated above, I believe that "Al" is a reference to Alfred Mainero. A copy of this transcript will be attached hereto and incorporated herein as **Exhibit 12**.

C.) On January 22<sup>nd</sup>, 2000, at approximately 14:30 P.M. Ronald Zampanti received an incoming call on the "**Zampanti II Telephone**" from Vincent Roberto. This conversation clearly illustrates the scope of the gaming relationship between the Zampanti gaming organization and Roberto. During this conversation, Ronald Zampanti and Vincent Roberto discussed how they were doing for the week in reference to their gaming business. They further discussed monies owed or due to various "agents" and/or bettors. I note that many of these "agents" and/or bettors have also been the topic of conversations between Ronald Zampanti and Joseph Zampanti Jr. At one point in the conversation, Roberto explained to Ronald Zampanti that his guy paid "Snoopa" twelve thousand dollars. Earlier in this affidavit I provided information which substantiates my opinion that Damelio is associated with the Zampanti gaming organization and at times Damelio is referred to as "Snoopa." Later in the conversation, Roberto instructs Ronald Zampanti to deduct three hundred and eighty four dollars for the telephones which I believe is related to expenses incurred by one of Roberto's gaming offices. Based upon my training and experience it is common among people who operate large scale gaming operations to pay various bills associated with "agents" of their organization, such as apartment rentals, telephone bills, electric bills and various office supplies. Furthermore, at the end of the conversation, Ronald Zampanti stated to Roberto "we are all together." A copy of this transcript will be attached hereto and incorporated herein as **Exhibit 13**.

telephone number ( 617 ) 567 - 6497, and others have been incoming telephone calls. According to the Bell Atlantic Telephone Company, telephone number (617) 567-6497 is subscribed to by Frank Ciampa of 251 Orient Ave. Boston, Massachusetts. During these conversations it is apparent that Zampanti is seeking financial assistance from Frank Ciampa related to gaming loses incurred by the Zampanti gaming organization. By way of example, two calls between Joseph Zampanti Jr. and Frank Ciampa were intercepted in which it appears that Zampanti requested financial assistance in the amount of one hundred thousand dollars.

12. Based on my training and experience, the information set forth herein and in my prior affidavit dated January 13 and January 28, 2000, it is my opinion that Ronald Zampanti Jr. of 9 Applewood Lane, Saugus, Massachusetts, has been, and will continue to be, intercepted over the "Ronald Zampanti Telephone" engaged in conversations relating to the provisions of gaming services in violation of Massachusetts General Law Chapter 271, Section 17. In addition to the facts and information set forth elsewhere in this affidavit and in my prior affidavits dated January 13 and 28, 2000, my opinion that Ronald Zampanti utilizes the "Ronald Zampanti Telephone" to provide services related to unlawful gaming is based on the following examples of intercepted conversations:

A.) For example, on January 31, 2000, at approximately 1:56 P.M., an incoming telephone call was intercepted over the "Ronald Zampanti Telephone." During this conversation Ronald Zampanti and Vincent Roberto engaged in a lengthy discussion related to their mutual interest in monies owed to their respective gaming business. Numerous figures relating to various agents and/or bettors are reviewed during this conversation. There is also discussion

related to commission owed to various agents and the "red" figure related to some of these agents. Based upon my training and experience, I know the term "red", as it is used by bookmakers to be synonymous with the term "make up." The term "red" and/or "make up", refers to an amount of money owed by a bookmaker to the upper level members of a gaming organization as a result of losses incurred by a particular bookmaker. The bookmaker will not earn any commission until the "red" or "make up" figure is eliminated. Later in this conversation, Ronald Zampanti and Roberto discuss a pending case against Roland Zampanti and Joseph Zampanti Jr. involving gaming violations. This transcript will be attached hereto and incorporated herein as **Exhibit 4**.

B.) Another conversation which substantiates my opinion that Ronald and Joseph Zampanti Jr. supervise all of the gaming activities associated with the Zampanti gaming organization, and that Vincent Roberto is a fifty percent partner occurred at approximately 11:23 A.M., on February 3, 2000. I note that this telephone call was made by Joseph Zampanti Jr. from the "Joseph Zampanti Jr. Telephone" after dialing the "Ronald Zampanti Telephone." During this conversation, Joseph Zampanti Jr. and Ronald Zampanti are upset that the Zampanti gaming organization lost ten thousand dollars associated with the Nolan gaming office. They further discussed that Vincent Roberto's side was accountable for five thousand dollars related to the ten thousand dollars lost. Later in the conversation, they discussed that Craig Nolan was experiencing difficulty in handling the large volume of wagers generated since Alfred Mainero was no longer accepting wagers. This transcript will be attached hereto and incorporated herein as **Exhibit 5**. I note that the above two calls are representative of the majority of gaming related conversations involving Ronald Zampanti.

13. In my affidavit dated January 13 and 28, 2000, I provided information about Vincent Roberto and his involvement in past investigations related to bookmaking activities. I also provided detailed information regarding Roberto's involvement with the Zampanti gaming organization. I note that one telephone which Roberto has utilized has been identified as telephone being numbered (617) 905-6539 while he is in Florida. Pursuant to Massachusetts General Law Chapter 271, section 17B, an administrative subpoena was issued and served upon the Sprint Spectrum LP Company requesting subscriber and toll information related to the above telephone number. Hereinafter this telephone will be referred to as the "Roberto Telephone". These records revealed that telephone number (617) 905-6539 is a cellular telephone subscribed to by Vinny Roberto of 892 Old Connecticut Path, Framingham, Massachusetts. An analysis of the toll records of this telephone from October 1, 1999 through January 31, 2000 indicate that the "Roberto Telephone" made 43 calls to the "Joseph Zampanti Jr. Telephone" and 148 calls to the "Ronald Zampanti Telephone." In addition, 13 calls were made from the "Roberto Telephone" to telephone number (617) 388-5579 which is Musto's cellular telephone and 43 calls were made from the "Roberto Telephone" to telephone number (781) 647-5344, which is Musto's residential telephone. These records also reveal that 3 telephone calls were made from the "Roberto Telephone" to telephone being numbered (508) 877-9636 which is subscribed to by Fred Simone of 32 Lowther, Framingham, Massachusetts. I note that this is the residence of Fred Simone who I describe later in this affidavit. A further analysis revealed that 19 calls were made to telephone being numbered (617) 561-0932 which is subscribed to by Mary Powers of 418 Border Street, apartment # 705, East Boston, Massachusetts. I have conducted past surveillance in the area of 418 Border Street which has revealed that John Burroughs' vehicle would arrive at the beginning

of "prime gaming hours" and depart at the conclusion of "prime gaming hours." I have recently learned from the Boston Police Department that they are conducting an investigation of John Burroughs and his involvement in illegal gaming activities. This investigation has utilized court authorized electronic surveillance. The first phase of their investigation targeted the bookmaking activities of James E. Calla in South Boston, Massachusetts. An Order and Warrant in which James E. Calla was a named party, authorizing the interception of wire communications over telephone number (617) 269 - 3706 was issued by Judge Vieri Volterra, of the Suffolk Superior Court on January 5, 2000. The applicant for this Order and Warrant was assistant District Attorney Gary Wm. Schubert of the Suffolk County District Attorney's Office. An Order and Warrant in which " Leper John " and James E. Calla were named parties, authorizing the interception of wire communications over telephone number (617) 561 - 0932 was issued by Judge Vieri Volterra, of the Suffolk Superior Court on January 27, 2000. The applicant for this Order and Warrant was assistant District Attorney Gary Wm. Schubert of the Suffolk County District Attorney's Office. Later in this investigation a status letter was provided to Judge Volterra naming Vincent Roberto, and they anticipate naming John Burroughs in their next status report. The focus of their investigation involving Burroughs is 418 Border Street, Apartment # 705, East Boston, Massachusetts. They have informed me that Burroughs is present at the above location during "prime gaming hours" and that he utilizes the above telephone number, (617) 561-0932, in furtherance of his illegal gaming activities. As I noted earlier in this affidavit, conversations over the "Nolan Telephone" have been intercepted in which Craig Nolan advises some bettors to call 561-0932 to place their wagers. I also note that I have provided information related to John Burroughs and the Zampanti gaming organization in my earlier

affidavits dated January 13, and 28, 2000.

14. I note that a series of conversations between Roberto and Joseph Zampanti Jr. as well as Roberto and Ronald Zampanti have been frequently intercepted since January 29, 2000 over the "Ronald Zampanti Telephone" and the "Joseph Zampanti Jr. Telephone." An examination of the OmniPoint toll records for the "Ronald Zampanti Telephone" indicate that these telephone calls with Roberto are usually made to or from the above described telephone number of (617) 905-6539. These conversations clearly indicate that Roberto is a fifty percent partner with the Zampanti gaming organization related to a number of "agents." I note that these conversations also indicate that Roberto remains in Florida while conducting his bookmaking activities with the Zampanti gaming organization. It has also been learned from these conversations that Roberto has an associate who assists him in various aspects relating to Roberto's gaming business. This associate has been identified as Anthony Musto as a result of surveillance and the fact that several telephone conversations between Ronald Zampanti and Anthony Musto have been intercepted, and at least one telephone call between Anthony Musto and Joseph Zampanti Jr. has been intercepted. One of these telephone calls which is outlined below was made to a telephone number in which Anthony Musto is the subscriber. During these conversations Joseph Zampanti Jr. and Ronald Zampanti have referred to Musto as "Tony." Some of these calls over the "Ronald Zampanti Telephone" have occurred after Ronald Zampanti dials telephone being numbered (617) 388-5579. According to records of the Sprint Spectrum LP Telephone Company, telephone numbered (617) 388-5579 is a cellular telephone subscribed to by Anthony Musto of 72A Central Street, Waltham, Massachusetts. I also note that Joseph Zampanti Jr. has

received incoming telephone calls from a male who is referred to as "Tony." I recognize this voice to be the same voice of the person by the name of "Tony" that Ronald Zampanti talks with which I outlined above. During these conversations, Ronald Zampanti and Joseph Zampanti Jr. made arrangements with Musto to meet him for the purpose of exchanging monies and gaming paraphernalia as a result of their gaming activities with Roberto.

15. Earlier in this affidavit I provided details of an investigation of James E. Calla, conducted by the Boston Police Department and the Suffolk County District Attorney's Office. These officers have conducted surveillance of Calla meeting with a white male who operates a green Dodge Stratus bearing Massachusetts Registration 5778ME. These officers later identified this white male to be Anthony Musto of 72A Central Street, Waltham, Massachusetts. In my earlier affidavit dated January 13, 2000, I provided information of a surveillance between Ronald Zampanti and a white male believed by Lieutenant Tutungian to be Roberto Roffo who was operating the above listed vehicle which is registered to Vincent Roberto of 892 Old Connecticut Path, Framingham, Massachusetts. A photograph of Anthony Musto was obtained from records of the Registry of Motor Vehicles. Lieutenant Tutungian has reviewed this photograph and has informed this affiant that the person he believed to be Roffo was actually Anthony Musto.

16. Based upon the above information, and the information set forth herein, it is my opinion that Anthony Musto has been and will continue to be intercepted over the "Ronald Zampanti Telephone" and the "Joseph Zampanti Jr. Telephone", engaged in conversations related to the provisions of gaming services in violation of Massachusetts General Law Chapter 271, section

17.



17. In addition, the information set forth herein, in my opinion, established probable cause to believe that Anthony Musto utilizes telephone numbered (617) 388-5579 in furtherance of providing gaming services in violation of Massachusetts General Law Chapter 271, section 17. Further examples of some of these conversations are set forth below:

A.) On January 28, 2000, at approximately 6:07 P.M. an intercepted conversation between Ronald Zampanti and a person identified as "Tony" over the "Ronald Zampanti Telephone", indicated that they would meet in the area of Santarpio's Restaurant, East Boston, Massachusetts. I note that Trooper Orlando conducted a surveillance between Ronald Zampanti and Anthony Musto on Friday, January 28, 2000 at approximately 7:35 P.M. at Santarpio's Restaurant. Trooper Orlando reported that Musto arrived in the above listed vehicle which is registered to Vincent Roberto.

B.) On February 1, 2000, at approximately 7:29 P.M. an outgoing call was made from the "Joseph Zampanti Jr. Telephone" to telephone being numbered (617) 905-6539 which is cellular telephone utilized by Vincent Roberto. According to records of the Sprint Spectrum LP Telephone Company this telephone is subscribed to by Vinny Roberto of 892 Old Connecticut Path, Framingham, Massachusetts. During this conversation, Joseph Zampanti Jr. explains to Roberto that he hasn't been contacted by "Tony." Roberto responded that "Tony" had made several attempts to contact him. Later in the conversation, Joseph Zampanti Jr. confirmed with Roberto that "Tony's" telephone number was "388-5579." Joseph Zampanti Jr. also stated to Roberto that he needed "sheets", and Roberto stated that he would contact "Tony" to call him. It is my opinion that the person identified as "Tony" is Anthony Musto. Based upon my training and experience I am familiar with the term "sheets" as it is used by bookmakers. It is my opinion

that this term relates to sports schedules which depict the dates and times of particular sporting events. A copy of this transcript will be attached hereto and incorporated herein as **Exhibit 6**.

C.) Following the above telephone call, at approximately 7:34 P.M. on February 1, 2000, an incoming call was received over the "Joseph Zampanti Jr. Telephone" from a male whose voice I recognized to be Anthony Musto. During this conversation, Zampanti and Musto agreed to meet the following day. A review of the Bell Atlantic Mobile Records for the "Joseph Zampanti Jr. Telephone" revealed that the above incoming telephone call between Zampanti and Musto was made from telephone being numbered (781) 647-5344. According to the Bell Atlantic Telephone Company telephone being numbered ( 781) 647 - 5344 is subscribed to by Anthony Musto of 72 Central Street, Waltham, Massachusetts. I also note that surveillance has indicated that Musto resides at the above address. Based upon the above two telephone calls, it is my opinion that Roberto immediately contacted Musto proceeding his conversation with Zampanti which precipitated Musto to call Zampanti from his home telephone. A copy of this transcript will be attached hereto and incorporated herein as **Exhibit 7**.

D.) On January 31, 2000 at approximately 1:56 P.M. an incoming telephone call was received over the "Ronald Zampanti Telephone" from telephone being numbered (617) 905-6539 which is the cellular telephone utilized by Roberto. During this conversation Ronald Zampanti and Roberto discuss a figure of \$17,973.00 which is owed to Roberto. A copy of this transcript is already attached herein as **Exhibit 4**.

E.) On January 31, 2000 at approximately 6:18 P.M. Ronald Zampanti made an outgoing telephone call to telephone being numbered 388-5579 which is the cellular telephone utilized by Musto which I described above. This telephone was answered by Anthony Musto.

During this conversation Ronald Zampanti and Musto discussed a figure of \$17,974 owed to Musto. I note that this figure is a one dollar difference of the figure discussed in the above conversation between Ronald Zampanti and Roberto. Ronald Zampanti further explained to Musto that he had twenty dimes on his person and that he didn't want to divide it. He further explained to Musto that he would pay him \$18,000 and that Musto would return twenty six dollars back to Zampanti. Later in the conversation, there was a discussion where they agreed to meet at 7:45 P.M. The above two conversations clearly illustrates and substantiates my earlier opinion that Musto is an associate of Roberto who assists in the facilitation of Roberto's gaming business as it pertains to the Zampanti gaming organization while Roberto is in Florida. A copy of this transcript will be attached hereto and incorporated herein as **Exhibit 8**.

F.) On February 7, 2000, at approximately 7:12 P.M. an intercepted conversation between Ronald Zampanti and Vincent Roberto over the "Ronald Zampanti Telephone", involved a discussion relating to approximately forty five thousand dollars owed to Roberto from the Zampanti gaming organization. Roberto and Zampanti further discussed arrangements for "Tony" (Anthony Musto) to meet Zampanti in order for "Tony" to collect the money on behalf of Roberto. I further note during this conversation, that Roberto can be overheard talking on another telephone with a person who I believe is Anthony Musto. It is my opinion that Roberto informs Musto to meet Zampanti at the Squire Lounge that is located in Revere, Massachusetts, at 10:00 P.M. This opinion is based upon the fact that Roberto immediately confirms with Zampanti that "Tony" will meet him after his discussion with the person he is overheard speaking with in the background. A copy of this transcript will be attached hereto and incorporated herein as **Exhibit 9**. I note that Trooper Orlando conducted a surveillance in the

parking lot of the Squire Lounge between Ronald Zampanti and Anthony Musto on Monday, February 7, 2000, at approximately 10:00 P.M. Trooper Orlando observed Ronald Zampanti enter the same green vehicle operated by Musto in the past, which I have referred to earlier in this affidavit as a vehicle which is registered to Vincent Roberto. Trooper Orlando further observed that Anthony Musto was the operator of this vehicle. Zampanti and Musto remained in the vehicle for approximately one minute.

G.) On February 10, 2000, at approximately 11:48 A.M., a call was received over the " Ronald Zampanti Telephone ". During this conversation Ronald Zampanti and Vincent Roberto discussed monies related to their illegal gaming business. They also discussed an article in the Boston Herald related to organize crime. At one point in the conversation Roberto remarks that he had a conversation with his friend " Freddy " regarding this article. It is my opinion that the above reference to " Freddy " was Fred Simone.

18. I note that the above six telephone calls are similar in nature to other telephone calls involving Musto and/or regarding Mustos' relationship to Roberto's gaming business and the Zampanti gaming organization.

19. Pursuant to Massachusetts General Law Chapter 271, section 17B, an administrative subpoena was issued and served upon the Sprint Spectrum LP Telephone Company requesting the toll records of Musto's cellular telephone being numbered (617) 388-5579 ("Musto Telephone") which is subscribed to by Anthony Musto. I have reviewed these toll records for the billing period September 1, through October 1, 2000, and November 1, through February 9,

2000. These records revealed that Musto called Roberto at his residential telephones being numbered (508 ) 788-0287 and (508) 788-0285, a total of 64 times. I also note that there were 29 calls placed to the " Roberto Telephone " . In addition, I note that there were a total of 187 calls made to two telephone numbers in which the exchanges are identified as being located in Pompano Beach, Florida. I am currently awaiting the arrival of subscriber information related to these telephones. It is my opinion that one or both of these telephones might be utilized by Vincent Roberto. I also note that one telephone call was placed to telephone (508) 877 - 9636 on November 13, 1999 at 11:35 A.M. Just prior to the above telephone call the " Musto Telephone" called telephone (617) 782 - 6900 at 11:31 A.M. which is a telephone number subscribed to by " On The Square ". 580 Washington Street, Brighton, Massachusetts. I know that " On The Square " is a real estate office which Roberto frequents regularly. Based upon the fact that the above calls are four minutes apart, it is my belief that Musto talked to Roberto and subsequently talked to Simone. It is also my belief that these calls confirm my opinion later in this affidavit that Simone is affiliated with Roberto's gaming business.

**INTELLIGENCE INFORMATION AND CRIMINAL BACKGROUND OF  
FREDERICK H. SIMONE, D.O.B. 4/19/50:**

20. In my tenure in the Special Service Section, I have received intelligence and informant information on a number of occasions that the Boston area "Boss" of Roberto's gaming organization may be Frederick Simone. This opinion is further substantiated by the fact that Roberto utilizes his cellular telephone to call Simone's residence, which I outlined earlier in

PAD 5

THIS INFORMATION IS CORI. IT IS NOT SUPPORTED BY FINGERPRINTS.  
PLEASE CHECK THAT THE NAME REFERENCED BELOW MATCHES THE NAME AND DATE OF BIRTH  
OF THE PERSON REQUESTED.

\*\*\*\*\*

\*\*\*\*\* COMMONWEALTH OF MASSACHUSETTS \*\*\*\*\*  
CRIMINAL HISTORY SYSTEMS BOARD

\*\*\* PERSONS COURT SUMMARY \*\*\*

AM: ROBERTO, VINCENT FORMAL-NAME: VINCENT PCF: 00000836735  
SEX: M RAC: POB: BRIGHTON  
DOB: ROSE POP: JAMES HGT: WGT: HAI: EYE:

[REDACTED]

[REDACTED]

[REDACTED]

\*\*\* ADULT APPEARANCES \*\*\*

ARRESTMENT: (001)  
ARG-DATE: 04/28/92 PD: COURT: MIDDLESEX SUPERIOR DKTH: 92632001  
OFF: CRIME OF (SPECIFY IN FULL) ORGANIZE&PROMOT BET CRIME OF  
DISP: 5/5/92 2 YR SPS 90 D CMTD BAL SS 8/5/92 STATUS: C WPD:  
11/17/94 TERM

ARRESTMENT: (002)  
ARG-DATE: 04/28/92 PD: COURT: MIDDLESEX SUPERIOR DKTH: 92632002  
OFF: CONSPIRACY ORGANIZE&PROMOT BET CONSP  
DISP: 4/28/92 FILE STATUS: C WPD:

ARRESTMENT: (003)  
ARG-DATE: 04/28/92 PD: COURT: MIDDLESEX SUPERIOR DKTH: 92632003  
OFF: TELEPHONE CALLS REGISTER BETS TEL CLS  
DISP: 4/28/92 FILE STATUS: C WPD:

ARRESTMENT: (004)  
ARG-DATE: 04/28/92 PD: COURT: MIDDLESEX SUPERIOR DKTH: 92632004  
OFF: CONSPIRACY USE TEL BETTING CONSP  
DISP: 4/28/92 FILE STATUS: C WPD:

ARRESTMENT: (005)  
ARG-DATE: 04/28/92 PD: COURT: MIDDLESEX SUPERIOR DKTH: 92632005  
OFF: CONSPIRACY KEEP BLDG FOR BET CONSP  
DISP: 4/28/92 FILE STATUS: C WPD:

ARRAIGNMENT: (006)

ARG-DATE: 04/28/92 PD: COURT: MIDDLESEX SUPERIOR  
 OFF: CRIME OF (SPECIFY IN FULL) CRIMINAL USURY  
 DISP: 4/28/92 FILE

DKTH: 92632806  
 CRIME OF  
 STATUS: C WPD:

ARRAIGNMENT: (007)

ARG-DATE: 04/28/92 PD: COURT: MIDDLESEX SUPERIOR  
 OFF: CONSPIRACY COMMIT CRIM USURY  
 DISP: 5/5/92 2 YR SP5 96 D CMTD BAL SS 8/5/94  
 11/17/94 TERM

DKTH: 92632807  
 CONSP  
 STATUS: C WPD:

ARRAIGNMENT: (008)

ARG-DATE: 03/26/92 PD: COURT: NEWTON DISTRICT  
 OFF: ILLEGAL LOTTERY SET UP & PROMOT  
 DISP: C 4/21/92 NP

DKTH: 9212CR386A  
 LOTT  
 STATUS: C WPD:

ARRAIGNMENT: (009)

ARG-DATE: 03/26/92 PD: COURT: NEWTON DISTRICT  
 OFF: CONSPIRACY SET UP & PROMOT  
 DISP: C 4/21/92 NP

DKTH: 9212CR386B  
 CONSP  
 STATUS: C WPD:

ARRAIGNMENT: (010)

ARG-DATE: 03/26/92 PD: COURT: NEWTON DISTRICT  
 OFF: TELEPHONE CALLS GAM  
 DISP: C 4/21/92 NP

DKTH: 9212CR386C  
 TEL CLS  
 STATUS: C WPD:

ARRAIGNMENT: (011)

ARG-DATE: 03/26/92 PD: COURT: NEWTON DISTRICT  
 OFF: CONSPIRACY TEL CLS GAM  
 DISP: C 4/21/92 NP

DKTH: 9212CR386D  
 CONSP  
 STATUS: C WPD:

ARRAIGNMENT: (012)

ARG-DATE: 03/26/92 PD: COURT: NEWTON DISTRICT  
 OFF: KEEP GAMMING HOUSE  
 DISP: C 4/21/92 NP

DKTH: 9212CR386E  
 KEEP GAM HO  
 STATUS: C WPD:

ARRAIGNMENT: (013)

ARG-DATE: 03/26/92 PD: COURT: NEWTON DISTRICT  
 OFF: CRIME OF (SPECIFY IN FULL) USURY  
 DISP: C 4/21/92 NP

DKTH: 9212CR386F  
 CRIME OF  
 STATUS: C WPD:

ARRAIGNMENT: (014)

ARG-DATE: 03/26/92 PD: COURT: NEWTON DISTRICT  
 OFF: CONSPIRACY COM CRIM USURY  
 DISP: C 4/21/92 NP

DKTH: 9212CR386G  
 CONSP  
 STATUS: C WPD:

OFF: ILLEGAL LOTTERY

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LUT  
STATUS: C WPD:

ARRAIGNMENT: (015)

ARG-DATE: 08/05/91 PD: COURT: MIDDLESEX SUPERIOR  
 OFF: CRIME OF (SPECIFY IN FULL) CRIMINAL USURY  
 DISP: 2/18/92 NP

DKTH: 912219  
 CRIME OF  
 STATUS: C WPD:

ARRAIGNMENT: (016)

ARG-DATE: 08/05/91 PD: COURT: MIDDLESEX SUPERIOR  
 OFF: CONSPIRACY COMMIT CRIM USURY  
 DISP: 2/18/92 NP

DKTH: 912220  
 CONSP  
 STATUS: C WPD:

ARRAIGNMENT: (017)

ARG-DATE: 08/05/91 PD: COURT: MIDDLESEX SUPERIOR  
 OFF: CONSPIRACY ORGANIZE/PROMOTE GAMCONSP  
 DISP: 2/18/92 NP

DKTH: 912221  
 STATUS: C WPD:

ARRAIGNMENT: (018)

ARG-DATE: 08/05/91 PD: COURT: MIDDLESEX SUPERIOR  
 OFF: CRIME OF (SPECIFY IN FULL) ORGANIZE/PROMOTE GAMCRIME OF  
 DISP: 2/18/92 NP

DKTH: 912222  
 STATUS: C WPD:

ARRAIGNMENT: (019)

ARG-DATE: 08/05/91 PD: COURT: MIDDLESEX SUPERIOR  
 OFF: TELEPHONE CALLS GAMING  
 DISP: 2/18/92 NP

DKTH: 912223  
 TEL CLS  
 STATUS: C WPD:

ARRAIGNMENT: (020)

ARG-DATE: 08/05/91 PD: COURT: MIDDLESEX SUPERIOR  
 OFF: CONSPIRACY TEL GAMING  
 DISP: 2/18/92 NP

DKTH: 912224  
 CONSP  
 STATUS: C WPD:

ARRAIGNMENT: (021)

ARG-DATE: 08/05/91 PD: COURT: MIDDLESEX SUPERIOR  
 OFF: CONSPIRACY REGISTER BETS  
 DISP: 2/18/92 NP

DKTH: 912225  
 CONSP  
 STATUS: C WPD:

ARRAIGNMENT: (022)

ARG-DATE: 03/01/91 PD: COURT: NEWTON DISTRICT  
 OFF: GAMING  
 DISP: C 6/7/91 NOL PROS

DKTH: 9112CR227A  
 GAM  
 STATUS: C WPD:

ARRAIGNMENT: (023)

ARG-DATE: 12/05/88 PD: COURT: BRIGHTON DISTRICT  
 OFF: GAMING  
 DISP: CWGF 3/10/89 CC DISM

DKTH: 8808CR3503A  
 GAM  
 STATUS: C WPD:



ARRAIGNMENT: (024)

ARG-DATE: 11/04/87 PD: COURT: BOSTON MUNICIPAL JURY OFDKTH: 875605  
OFF: A&B DANGEROUS WEAPON A&B DW  
DISP: C 2/5/88 DISM (8 87CR1606A) STATUS: C WPD:

ARRAIGNMENT: (025)

ARG-DATE: 07/20/87 PD: COURT: BRIGHTON DISTRICT DKTH: 87CR1606A  
OFF: A&B DANGEROUS WEAPON A&B DW  
DISP: C 10/21/87 FJ STATUS: C WPD:

ARRAIGNMENT: (026)

ARG-DATE: 09/18/86 PD: COURT: HAMPDEN SUPERIOR DKTH: 863719  
OFF: CONSPIRACY USE PHONE CONSP  
DISP: C 5/11/87 FILE STATUS: C WPD:

ARRAIGNMENT: (027)

ARG-DATE: 09/18/86 PD: COURT: HAMPDEN SUPERIOR DKTH: 863720  
OFF: CONSPIRACY REG BETS CONSP  
DISP: C 9/1/87 PROB 1/11/89 \$3,000 FINE CC WVF PD TERM STATUS: C WPD:

ARRAIGNMENT: (028)

ARG-DATE: 02/26/82 PD: COURT: FRAMINGHAM JURY OF SIX DKTH: JR810803A  
OFF: ILLEGAL LOTTERY SET/PROMOT LOTT LOTT  
DISP: \$3750 FINE SS 3/15/81 DF 7/1/82 D/R PD STATUS: C WPD:

ARRAIGNMENT: (029)

ARG-DATE: 02/26/82 PD: COURT: FRAMINGHAM JURY OF SIX DKTH: JR810803B  
OFF: GAMING PRES BET APPARAT GAM  
DISP: 1YR SS 2/23/84 CC PD TERM (051) STATUS: C WPD:

ARRAIGNMENT: (030)

ARG-DATE: 11/10/81 PD: COURT: LOWELL DISTRICT DKTH: 11203  
OFF: GAMING BE PRES GAM IMP FND GAM  
DISP: \$50 FINE PD STATUS: C WPD:

ARRAIGNMENT: (031)

ARG-DATE: 09/02/81 PD: COURT: WALTHAM DISTRICT DKTH: 2177  
OFF: ILLEGAL LOTTERY SET UP PROMOTE LOTT  
DISP: C 9/22/81 FJ STATUS: C WPD:

ARRAIGNMENT: (032)

ARG-DATE: 09/02/81 PD: COURT: WALTHAM DISTRICT DKTH: 2178  
OFF: GAMING IMPLEMENTS GAM IMPL  
DISP: C 9/22/81 FJ STATUS: C WPD: ✓

ARRAIGNMENT: (033)  
 ARG-DATE: 03/24/78 PD: COURT: NEWTON DISTRICT DKT#: 1073480ZZ  
 OFF: GAMING REG BETS GAM  
 DISP: DF 9/23/78 D/R C 6/20/78 \$1875 FINE PD STATUS: C WPD:

ARRAIGNMENT: (034)  
 ARG-DATE: 03/24/78 PD: COURT: NEWTON DISTRICT DKT#: 1073484ZZ  
 OFF: ILLEGAL LOTTERY LOTT  
 DISP: DF 9/23/78 D/R C 6/20/78 \$1875 FINE PD STATUS: C WPD:

ARRAIGNMENT: (035)  
 ARG-DATE: 09/22/76 PD: COURT: CONCORD DISTRICT DKT#: 1073479ZZ  
 OFF: A&B DANGEROUS WEAPON A&B DW  
 DISP: C 11/1/76 DISM STATUS: C WPD:

ARRAIGNMENT: (036)  
 ARG-DATE: 04/24/73 PD: COURT: WALTHAM DISTRICT DKT#: 1073478ZZ  
 OFF: OPERATING AFTER 114B  
 DISP: C 5/16/73 NO STATUS: C WPD:

ARRAIGNMENT: (037)  
 ARG-DATE: 02/10/72 PD: COURT: BRIGHTON DISTRICT DKT#: 1073475ZZ  
 OFF: ILLEGAL LOTTERY LOTT  
 DISP: DF 3/15/72 D/R \$500 FINE PD STATUS: C WPD:

ARRAIGNMENT: (038)  
 ARG-DATE: 02/10/72 PD: COURT: BRIGHTON DISTRICT DKT#: 1073476ZZ  
 OFF: GAMING IMPLEMENTS BE FND W/ REG BOOKS GAM IMPL  
 DISP: 6MO SS 2/22/74 TERM STATUS: C WPD:

ARRAIGNMENT: (039)  
 ARG-DATE: 02/10/72 PD: COURT: BRIGHTON DISTRICT DKT#: 1073477ZZ  
 OFF: GAMING IMPLEMENTS TELEPHONE REG BETS GAM IMPL  
 DISP: C 2/22/72 FILE STATUS: C WPD:

ARRAIGNMENT: (040)  
 ARG-DATE: 07/24/67 PD: COURT: BRIGHTON DISTRICT DKT#: 1073462ZZ  
 OFF: GAMING IMPLEMENTS TELEPHONE GAM IMPL  
 DISP: C 8/2/67 \$200 FINE PD STATUS: C WPD:

ARRAIGNMENT: (041)  
 ARG-DATE: 07/24/67 PD: COURT: BRIGHTON DISTRICT DKT#: 1073463ZZ  
 OFF: GAMING IMPLEMENTS POSS APPAR 3CNTS GAM IMPL  
 DISP: C 8/1/67 FILE STATUS: C WPD:

ARRAIGNMENT: (042)

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ARG-DATE: 07/24/67 PD: COURT: BRIGHTON DISTRICT DETH: 1073464ZZ  
OFF: GAMING IMPLEMENTS POSS APPEAR 30NTS GAM IMPL  
DISP: C 8/2/67 \$200 FINE PD STATUS: C WPD:

\*\*\*\* \*\*\*\*\* END OF ADULT APPEARANCES \*\*\*\*\*